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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/580,493 12/29/95 BERNA

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EXAMINER

BRYANT, D

ART UNIT

PAPER NUMBER

3726

59

AIR MAIL

DATE MAILED:

01/14/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/580,493

Applicant(s)

BERNA

Examiner

David Bryant

Group Art Unit

3726



☒ Responsive to communication(s) filed on 10/27/99

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-18 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1 and 2 is/are allowed.

☒ Claim(s) 3-15, 17, and 18 is/are rejected.

☒ Claim(s) 16 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Drawings

1. The proposed drawing corrections, filed on 11/30/99 and 12/15/99 have been disapproved. There is no support in the original disclosure for the specific arm structure or the specific structure of the support part connector depicted in the proposed drawings.

Specification

2. The substitute specification filed 9/5/95 is objected to because it is replete with grammatical and idiomatic problems too numerous to mention individually. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

3. Claim 16 is objected to because of the following informalities:

In line 21, --a-- should be inserted after "against" for clarity.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 3-15, 17, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims include numerous grammatical, idiomatic, and antecedent problems which render the claims indefinite. In an effort to expedite prosecution of this application, and to provide applicant the assistance requested in the REMARKS section of the amendment filed 3/29/99, the examiner hereby presents the following proposed amended claims which would obviate the above 35 U.S.C. 112, second paragraph, rejection.

3. (Six Times Amended) The device of claim 2 wherein [in which] said substantially elastic buffer includes [comprises] a ring portion at an end of said buffer opposite said contact face, and said buffer [which is covering part of said arm to which it] is secured to said at least one arm by inserting said at least one arm into said ring portion such that said ring portion encircles said at least one arm.

4. (Seven Times Amended) The [A] device according to claim 2 further comprising [wherein to said two arms are added] two additional [other] movable arms, each additional arm having a transverse hole therethrough, and said arms being mounted on the support part with the support part being disposed within the transverse holes of the additional arms, and wherein the two first arms and the two additional arms along the support part are each provided with a respective said [substantially] elastic [buffers] buffer, and wherein the [which are both turned by

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their] contact face of the elastic buffer of each of the two first arms face towards a first [the same] direction, and the contact face of the elastic buffer of each of the two additional [other] arms face [being provided with substantially elastic buffers which are both turned by their contact face] towards a second direction opposite the first [other] direction.

5. (Seven Times Amended) The [A] device according to claim 4, [wherein] further comprising, in addition to said four arms, a fifth and a sixth [is added one pair of successive] movable [arms] arm positioned adjacent each other along said support part so that said device could be used as a vertical helping hand, said fifth and sixth [these last] arms each being provided with a respective said [substantially] elastic buffer, and wherein the contact faces of the elastic buffers of the fifth and sixth arms [buffers which are turned by their contact] face [oppositely] in opposite directions.

6. (Six Times Amended) The [A] device according to claim 2, [wherein] further comprising, in addition to said two arms, [are added successively] two pairs of movable arms disposed in succession along said support part so that said device could be used as a horizontal helping hand, the [those] pairs of movable arms being [furthermore turnable] rotatable around said support part in [into] at least two directions, and each of said two arms and said movable arms having one said [substantially] elastic buffer secured thereto at a distance from said support part, and wherein the arms of each of said pairs of movable arms can be positioned so that the contact face of the buffer of one [any] arm [for each of said two pairs could have its contact face facing] faces the contact face of the buffer of the other arm of the same pair.

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7. (Five Times Amended) The [A] device according to claim 2, [wherein] further comprising a removable stop fitted onto at least one end of said support part, said [is fitted out with a] removable stop comprising [which is made of] a section of tubular supple sheath which frictionally engages with the outer surface of [and slipped onto] said support part [by a gentle forcing].

8. (Four Times Amended) The [A] device according to claim 2, [wherein the support part has secured thereto] further comprising a coupler secured to the support part, said coupler supporting [which supports] another support part such that said another support part extends in a [at least one] direction distinct from that of the first said support part, said another support part including [carrying] at least one movable arm provided with a said [at least one substantially] elastic buffer.

9. (Six Times Amended) The [A] device according to claim 2, [wherein the support part has secured thereto] further comprising a coupler secured to the support part, said coupler holding [which holds] other support parts parallel to the first [said] support part, each of said other support parts carrying at least two arms, of which at least one is movable, and of which one is provided with one said [substantially] elastic buffer.

10. (Five Times Amended) The [A] device according to claim 2, [wherein the support part has secured thereto] further comprising a coupler secured to the support part, said coupler holding [which holds] another support part in a [one] direction distinct from that of the first [said]

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support part, said another support part including a second coupler and [carrying] at least one movable arm provided with [a] one said [substantially] elastic buffer [and another coupler].

11. (Twice Amended) The [A] device according to claim 2, wherein the support part is made of several beams which [with] are connected end to end in a row by couplers, each of the outermost beams supporting at least one of said two arms.

12. (Three Times Amended) The [A] device according to claim 2, wherein said [the] support part comprises [is made of] several parallel beams which are disposed through respective transverse holes in said arms [distributed so that no said substantially elastic buffer could be aligned with any two of those beams].

13. (Three Times Amended) The [A] device according to claim 12, wherein at least one said substantially elastic buffer is split up into several pieces [so that no one of said pieces could be aligned with any two of those beams].

14. (Three Times Amended) The [A] device according to claim 13, wherein the arm upon which is secured the split up [said] substantially elastic buffer is itself split up into several blocks each carried by one or several of said beams.

15. (Four Times Amended) The device according to claim 2, wherein said at least one movable arm comprises [is made of] two portions firmly secured to [extending] each other, a first portion including said transverse hole in which said support part is disposed and another portion carrying said elastic buffer.

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17. (Twice Amended) The method according to claim 16, wherein said support part has secured thereto a coupler which supports another support part, said another support part carrying at least one movable arm, said at least one movable arm having a said [substantially] elastic buffer secured thereto at a distance from the another support part and a transverse hole through which said another support part is fitted [carrying said at least one movable arm, said buffer having under its contact face, which is approximately at a right angle to said support part, a thickness large enough so that said buffer could act as a compression spring], said method [for holding objects by clamping without any risk at all of damaging,] further comprising the steps of:

[d)] applying each [every said substantially] elastic buffer of the at least one movable arm supported on said another support part against a respective [some resistant] surface of said object,

[e)] manually exerting pressure on the back of said at least one movable arm supported on said another support part [arms a manual thrust], and

[f)] stopping the exertion of pressure when said at least one movable arm supported on said another support part is tilted with respect to said another [this thrust so as to lock each of those movable arms by tilting against their own] support part, such that a frictional force is created between said another support part and an interior surface of the transverse hole of said at least one movable arm secured thereto, thereby locking said at least one movable arm in place with respect to said another support part.

18. (Twice Amended) The method according to claim 16, wherein said support part has secured thereto a coupler which supports another support part, said another support part carrying

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at least one movable arm and another coupler, said at least one movable arm having a said [substantially] elastic buffer secured thereto at a distance from the another support part and a transverse hole through which said another support part is fitted [carrying said at least one movable arm, said buffer having under its contact face, which is approximately at a right angle to said support part, a thickness large enough so that said buffer could act as a compression spring,] said method [for holding objects by clamping without any risk at all of damaging,] further comprising the steps of:

[d)] applying each [every said substantially] elastic buffer of the at least one movable arm supported on said another support part against a respective [some resistant] surface of said object,

[e)] manually exerting pressure on the back of said at least one movable arm supported on said another support part [arms a manual thrust], and

[f)] stopping the exertion of pressure when said at least one movable arm supported on said another support part is tilted with respect to said another [this thrust so as to lock each of those movable arms by tilting against their own] support part, such that a frictional force is created between said another support part and an interior surface of the transverse hole of said at least one movable arm secured thereto, thereby locking said at least one movable arm in place with respect to said another support part.

Allowable Subject Matter

6. Claims 1 and 2 are allowed.

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7. Claim 16 is objected to, but would be allowable if rewritten to incorporate the change suggested in paragraph 3 above.

8. Claims 3-15, 17, and 18 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action (i.e. if amended as suggested above in paragraph 4 above).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner David Bryant whose telephone number is (703) 308-1859. Excluding holidays and the first Friday of every biweek, the examiner can be reached daily from 7:00 AM to 4:30 PM.

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Documents related to this application may be submitted by facsimile at any time. The Group 3720 fax number is (703) 305-3579. All faxed documents must conform with the notice published in the Official Gazette, 1096 OG 30 (October 19, 1988). Applicant is reminded to clearly mark any document as "DRAFT" if it is not to be considered a formal response.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

A handwritten signature in black ink, appearing to read 'David Bryant', with a long horizontal flourish extending to the right.

**DAVID BRYANT
PRIMARY EXAMINER
ART UNIT 3726**

January 13, 2000